

Appln No. 10/748,197
Amdt date August 26, 2010
Reply to Office action of May 28, 2010

REMARKS/ARGUMENTS

Claims 1-3, 5, 6, 8, 12, 14, 20-22, and 24-28 remain in the present application, of which claims 1, 8, 14, and 20 are independent. Claims 4, 7, 9-11, 13, 15-19, and 23 are canceled. No new matter has been added. Applicants respectfully request reconsideration and allowance of claims 1-3, 5, 6, 8, 12, 14, 20-22, and 24-28.

Rejections under 35 U.S.C. § 103

Claims 1-3, 5-6, 8, 12, 20-22, and 24-26 are rejected under 35 U.S.C. §103(a), as allegedly being unpatentable over Akoin et al. (JP 2003-031201). In particular, the Examiner asserts that Akoin teaches an electrode assembly comprising electrode tabs formed by folding uncoated cut portions of current collector plates, wherein each cut portion is formed by a cut beginning at a lower edge of the collector plate and extending more than half of the width thereof.

As a point of clarification, the instant application is based on Korean Patent Application No. 10-2003-0010410, filed on February 19, 2003, in the Korean Intellectual Property Office. A certified copy of Korean Patent Application No. 10-2003-0010410 was filed in the United States Patent and Trademark Office on September 25, 2007, as acknowledged by the Examiner on page 1 of the Office Action. Further, enclosed is an English translation of Korean Patent Application No. 10-2003-0010410, along with a statement from the translator in compliance with 37 CFR 1.55(a)(4). In addition, enclosed are an invention disclosure form, a verified translation thereof, and a Rule 1.131 Affidavit, to establish conception of the present invention, prior to January 31, 2003. From the period prior to January 31, 2003 until the filing of the priority application (Korean Patent Application No. 10-2003-0010410) on February 19, 2003, Applicants worked diligently with the Korean patent attorney to prepare a patent application describing the subject matter set forth in the invention disclosure form.

As such, it is respectfully submitted that the applicants have established a date of invention of at least January 30, 2003. MPEP 201.15. Since Akoin has a publication date of January 31, 2003, it is respectfully submitted that Akoin is not available as prior art under 35

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U.S.C. §102(a), since Akoin was not patented or described in a printed publication, prior to the applicants' invention. MPEP 706.02(a). Since Akoin does not appear to otherwise qualify as prior art, it is respectfully requested that the Examiner withdraw the rejection of claims 1-3, 5-6, 8, 12, 20-22, and 24-26, in view of Akoin.

Claims 14, 27, and 28 are rejected under 35 U.S.C. §103(a), as being unpatentable over Akoin et al. (JP 2003-031201) in view of Narukawa et al. (U.S. Patent No. 5,834,133).

In view of the above remarks, Applicants respectfully submit that Akoin is not available as prior art. Therefore, Applicants respectfully request that this rejection be withdrawn and that claims 1-3, 5, 6, 8, 12, 14, 20-22, and 24-28 be allowed.

Concluding remarks

In view of the foregoing remarks, Applicants earnestly solicit a timely issuance of a Notice of Allowance with claims 1-3, 5, 6, 8, 12, 14, 20-22, and 24-28. If there are any remaining issues that can be addressed over the telephone, the Examiner is cordially invited to call the Applicants' attorney at the number listed below.

Respectfully submitted,
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